

FEB. 7. 2007 12:34PM

POWELL, GOLDSTEIN(DTI-17)

NO. 935 P. 1

POWELL
GOLDSTEIN LLP

RECEIVED
CENTRAL FAX CENTER

FEB 07 2007

Atlanta • Washington

LAURANCE P. COLTON
RESIDENT IN ATLANTA OFFICE
1201 WEST PEACHTREE STREET, NORTHWEST
FOURTEENTH FLOOR
ATLANTA GA 30309-3488 US

■ +1.404.572.6710
■ +1.404.572.6999
e-mail: lcolton@pogolaw.com
www.pogolaw.com

DATE: 7 February 2007

TO: USPTO

FIRM NAME:

FACSIMILE NUMBER: 1.571.273.8300

TELEPHONE NUMBER:

FROM: Larry Colton

OUR FILE NUMBER: 148467.01001 (14690.010USA)

USPTO NUMBER: 10/807,961

NUMBER OF PAGES: 14

The information contained in this facsimile message is legal, privileged and confidential information intended only for the use of the individual or entity named above. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone so that we may arrange for the return of the original message.

MESSAGE: Follows

**RECEIVED
CENTRAL FAX CENTER**

FEB. 7. 2007 12:35PM

POWELL, GOLDSTEIN (DTI-17)

NO. 935 P. 2

FEB 07 2007

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Doc Code:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

13

Application Number

10/807,961

Filing Date

03/24/2004

First Named Inventor

GROSS

Art Unit

1623

Examiner Name

Maier, L.C.

Attorney Docket Number

148467.01001

ENCLOSURES (Check all that apply)

- | | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | |
| <input checked="" type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Petition | |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | Remarks | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | This response is being submitted within the 3-month deadline ending 7 February 2007. No additional fees are required. Please direct any questions to the attorney of record, Laurence P. Colton, at 404.572.6710. | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

POWELL GOLDSTEIN LLP

Signature

Printed name

Laurence P. Colton

Date

7 February 2007

Reg. No. 33,371

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Laurence P. Colton

Date

7 February 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEB. 7. 2007 12:35PM

POWELL, GOLDSTEIN (DTI-17)

RECEIVED
CENTRAL FAX CENTER NO. 935 P. 3

FEB 07 2007

UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT OPERATIONS

Applicant: Gross et al.

Application No.: 10/807,961

Filing Date: 03/24/2004

Title: TREATMENT AND PROPHYLAXIS
OF SEPSIS AND SEPTIC SHOCK

Art Unit: 1623

Examiner: Olson, E.

Confirmation No.: 4091

Customer No.: 25207

Docket No.: 148647.01001 (Old: 14690.007US)

RESPONSE

7 February 2007

Via Fax: +1.571.273.8300

Commissioner of Patents
PO Box 1450
Alexandria VA 22313-1450

Sir:

This is being submitted in response to the Office Action issued by Examiner Eric Olson of Art Unit 1623 dated 7 November 2006.

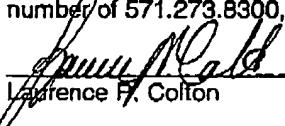
Status begins on page 2.

Summary of Fees Due begins on page 3.

Claims Amendments begins on page 4.

Remarks begin on page 11.

I certify that I have transmitted this document to the USPTO via facsimile to the central fax response number of 571.273.8300, this 7th day of February, 2007.



Lawrence P. Colton

STATUS

The above-captioned patent application is pending.

Claims 1-35 are pending.

Claims 27-33 are withdrawn.

Claims 1-26 and 34-35 are rejected.

SUMMARY OF FEES DUE**1. No Extension of Time Fees.**

This Response is being filed within the 3-month shortened statutory time period and no extension of time fee is due.

2. No Excess Claims Fees.

The fee for 35 total claims and 7 independent claims already has been submitted. As a result of this Response, there are X total claims and Y independent claims, and no excess claims fee is due.